

VIA ECF  
July 20, 2023  
Honorable Christine P. O'Hearn, U.S.D.J.  
Mitchell H. Cohen Building & U.S. Courthouse  
4th & Cooper Streets, Courtroom 5A  
Camden, NJ 08101

Re: Brian McBride, et al. v. NJ Pen Civil Action No. 1:23-cv-02044-CPO-AMD

Your Honor:

As stated in our appearance before the Court, both Plaintiffs are desirous of a settlement conference. Our demand, as set forth on July 10, 2023, remains unchanged. We demand that all articles concerning Plaintiff McBride, Plaintiff Blissick, and Cup of Bliss Coffee Roasters be removed from NJPen.com and any third party social media account controlled by the Defendant, including but not limited to Google, LLC. Mr. Terlingo was provided with a list of such social media accounts controlled by his client or the owner of the entity.

As to the terms of the settlement agreement, this is not Plaintiff McBride's first rodeo. In that vein, Plaintiff McBride approached Mr. Terlingo that the mutual general release should include not only a confidentiality and non-disparagement clause but also a liquidated damages provision thereto. Same would avoid a protracted court battle over any breach of the settlement demand discussed ten days ago.

Plaintiff is at a loss to explain why this is confusing to Mr. Terlingo.

To expedite the matter and show respect for the Court's time, I respectfully propose that Your Honor schedule a settlement conference but also order Defendant's counsel to produce a first draft of the settlement agreement to the Plaintiffs not less than ten days in advance settlement conference. Again, this is not Plaintiff McBride's first rodeo. Having a draft of the agreement allows Plaintiffs to appear at settlement conference prepared to explain to the Court what we feel is needed if the draft agreement is in any way inadequate.

The behavior of opposing counsel to wait until nearly the end of Your Honor's deadlines to resolve this matter is perplexing. Prompt responses and inclusion of a proposed settlement agreement would certainly expedite resolution of this matter and show respect for the Court's time, other parties and attorneys with cases before Your Honor, and above all tax payer funded resources during what is a well-known shortage of Judges in the District of New Jersey.

Again, we respectfully ask Your Honor to order the Defendant to produce a draft settlement agreement to the Plaintiffs at least ten days before the settlement conference.

Very truly yours,

Brian McBride  
Plaintiff